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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/190,536

Applicant(s)

DWYER ET AL.

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8-11,18-29 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,8-11,18-29 and 35-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 11 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. 5,818,800) in view of Suzuki et al. (U.S. 5,986,568).

Regarding **claim 1**, Barker discloses a voice data management system, comprising:

a portable digital audio recorder (FIG. 1), which includes memory means for storing a plurality of voice data files (64 on FIG. 4) [The memory can handle more than one file], said memory means storing corresponding header data in association with each of the stored data files (column 2, lines 46-49) [The files are stored with the recipient information];

a personal computer (34 on FIG. 3);

means for transferring one of said voice data files and the corresponding header data from the portable recorder to the personal computer (32 on FIG. 3) [The cable for transferring data].

Barker fails to disclose other information processing devices.

However, Suzuki teaches an information processing device other than said portable recorder and said personal computer (30 on FIG. 27) [The fax is an information processing device]; and

means, interconnecting said personal computer with said other information processing device, for permitting transmission of data from said personal computer to said other data processing device (1-3 on FIG. 27) [The links between devices];

wherein said personal computer reads said header data transferred to the personal computer, and uses said header data to determine whether to transfer the corresponding voice data file to said other information processing device (column 11, lines 48-56) [The header data is read by the computer].

Wherein said header data that is used to determine to transfer the corresponding voice data file to said other information processing device is indicative of one of (a) an identify of said portable digital audio recorder ("CORRESPONDING ITEM ADDRESS" on FIG. 8) [The item address is the recorder ID]; (b) a subject matter of voice data file corresponding to said header data ("CLASSIFICATION OF DATA" on FIG. 8) [This is the subject matter]; (c) a work type of voice data file corresponding to said header data ("PATIENT ID" on FIG. 8) [The work done on patient is included in his ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use other information processing devices of Suzuki in the invention of Barker.

Doing so would transfer the information to the appropriate device.

Regarding **claim 11**, Barker discloses a method of operating a voice data management system, comprising the steps of:

generating a voice data file in a portable digital audio recorder, said file including voice data and header data (column 2, lines 41-44) [The files are being generated at the recorder];

transferring said voice data file from said recorder to a personal computer (column 3, lines 16-19) [The files are download to the computer];

Barker fails to disclose reading the header data in said transferred voice data file.

However, Suzuki teaches reading the header data in said transferred voice data file (column 11, lines 48-56) [The header data is read by the computer];

using the header data to determine whether to transfer said voice data from said personal computer to an information processing device ("DESTINATION ID" on FIG. 8) [This is the recipient ID];

Wherein said header data that is used to determine whether to transfer the voice data to said information processing device is indicative of one of (a) an identify of said portable digital audio recorder ("CORRESPONDING ITEM ADDRESS" on FIG. 8) [The item address is the recorder ID]; (b) a subject matter of voice data file ("CLASSIFICATION OF DATA" on FIG. 8) [This is the subject matter]; (c) a work type of voice data file ("PATIENT ID" on FIG. 8) [The work done on patient is included in his ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the reading the header data of Suzuki in Barker.

Doing so would transfer the information to the appropriate recipient.

Regarding **claim 29**, Barker discloses a method of operating a voice data management system, comprising the steps of:

generating a voice data file in a portable digital audio recorder, said file including voice data and header data (column 3, lines 25-30) [The files are being generated at the recorder];

transferring said voice data file from said recorder to a personal computer (column 3, lines 16-19) [The files are downloaded to the computer].

Barker fails to disclose reading the header data in said transferred voice data file.

However, Suzuki teaches a system reading the header data in said transferred voice data file (column 11, lines 48-56) [The header data is read by the computer];

using the header data to select an information processing device separate from said personal computer ("DESTINATION ID" on FIG. 8) [This is the recipient ID]; and

transferring said voice data from said personal computer to said selected information processing device (column 10, lines 7-9) [The data are transferred to the proper device];

Wherein said header data that is used to select said information processing device is indicative of one of (a) an identify of said portable digital audio recorder ("CORRESPONDING ITEM ADDRESS" on FIG. 8) [The item address is the recorder ID]; (b) a subject matter of voice data file ("CLASSIFICATION OF DATA" on FIG. 8) [This is the subject matter]; (c) a work type of voice data file ("PATIENT ID" on FIG. 8) [The work done on patient is included in his ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the reading the header data in transferred voice data file of Suzuki in the invention of Barker.

Doing so would transfer the information to the appropriate recipient.

3. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Suzuki and in further view of Salazar et al. (U.S. 5,774,841).

Regarding **claims 8 and 18**, Barker and Suzuki as applied to **claims 1 and 11** above differ from **claims 8 and 18** in that it fails to disclose other information processing device is another personal computer.

However, Salazar teaches a voice data management system, wherein said other information processing device is another personal computer (40 on FIG. 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use other information processing device as another personal computer of Salazar in the invention of Barker and Suzuki.

Doing so would send the commands over the communication path.

4. **Claims 10, 20 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Suzuki and in further view of Bergeron et al. (U.S. 5,033,077).

Regarding **claims 10, 20 and 36**, Barker and Suzuki as applied to **claims 1, 11 and 29** above differ from **claims 10, 20 and 36** in that it fails to disclose other information processing devices is a voice mail system.

However, Bergeron teaches a voice data management system, wherein said other information processing devices is a voice mail system (column 4, lines 29-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use other information processing devices as a voice mail system of Bergeron in the invention of Barker and Suzuki.

Doing so would deliver dedicated messages having priorities.

5. **Claims 9, 19, 21, 27, 28, 35, 37-40 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Bergeron.

Regarding **claim 9** Barker teaches a voice data management system, comprising:

a portable digital audio recorder (FIG. 1) which includes memory means for storing a plurality of voices data files (64 on FIG. 4) [The memory stores multiple files], said memory means storing corresponding header data in association with each of the stored data files (column 2, lines 46-49) [The files have the information for the recipient].

a personal computer (34 on FIG. 3);

means for transferring one of said voice data files and the corresponding header data from the portable recorder to the personal computer (32 on FIG. 3) [The cable attached the recorder to the computer].

Barker fails to disclose a central dictation system.

However, Bergeron teaches a central dictation system (10-1, 10-2 on FIG. 1) [The dictation stations make the system];

means, interconnecting said personal computer with said central dictation system, for permitting transmission of data from said personal computer to said central dictation system (12 on FIG. 1) [The message analyzer is the interconnection];

wherein said personal computer reads said header data transferred to the personal computer (column 5, lines 34-37) [The message controller reads the file headers], and on the basis of said header data, determines whether to transfer the

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corresponding voice data file to said central dictation system (column 5, lines 37-41)

The message controller transmits the files].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a central dictation system of Bergeron in the invention of Barker.

Doing so would determine the best transcriptionist to transcribe the message.

Regarding **claim 19**, Barker discloses a method of operating a voice data system, comprising the steps of:

generating a voice data file in a portable digital audio recorder, said file including voice data and header data (column 3, lines 25-30) [The files are being generated at the recorder];

transferring said voice data file from said recorder to a personal computer (column 3, lines 16-19) [The files are downloaded to the computer].

Baker fails to disclose reading the header data in said transferred voice data file.

Bergeron teaches reading the header data in said transferred voice data file (column 5, lines 34-37) [The message controller reads the file headers]; and

on the basis of said header data that has been read, determining whether to transfer said voice data file from a personal computer to a central dictation system (column 6, lines 24-35) [The recipient receives his message according to recipient ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use reading the header data in said transferred voice data file of Bergeron in the invention of Barker.

Doing so would determine the identification of recipient.

Regarding **claim 21**, Baker discloses a voice data management system, comprising:

a portable digital audio recorder (FIG. 1) which includes memory means for storing a plurality of voice data files (64 on FIG. 4) [The memory can handle more than one file], said memory means storing corresponding header data in association with each of the stored voice data files (column 2, lines 46-49) [The files are stored with the recipient information];

a personal computer (34 on FIG. 3):

means for transferring said voice data files and the corresponding header data from the portable recorder to the personal computer (32 on FIG. 3) [The cable for transferring data].

Baker did not disclose a plurality of information processing devices.

However, Bergeron teaches a plurality of information processing devices other than said portable recorder and said personal computer (10-1, 20-1 and 32-1 on FIG. 1) [The dictation system is other device]; and

means, interconnecting said personal computer with said plurality of information processing devices, for permitting transmission of data from said personal computer to

a selected one of said plurality of data processing devices (column 5, lines 27-34) [The voice messages are transmitted to the devices];

wherein said personal computer reads said header data transferred to the personal computer (40 on FIG.2) [The header file], and on the basis of said header data, selects one of said plurality of information processing devices to receive a voice data file corresponding to said header data and transmits the corresponding voice data file to the selected data processing device (column 6, lines 24-35) [The recipient receives his message according to recipient ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of information processing devices of Bergeron in the invention of Barker.

Doing so would determine data associated with each recipient.

Regarding **claim 27**, Barker and Bergeron as applied to **claim 21** above differ from **claim 27** in that it fails to disclose a central dictation system.

However, Bergeron teaches a voice data management system, wherein said one of said plural of information processing devices selected by said personal computer is a central dictation system (10-1, 10-2 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a central dictation system of Bergeron in the invention of Barker.

Doing so would convert messages to digital form.

Regarding **claim 28**, Barker and Bergeron as applied to **claim 21** above differ from **claim 28** in that it fails to disclose other information processing devices is a voice mail system.

However, Bergeron teaches a method wherein said one of said plurality of information processing devices selected by said personal computer is a voice mail system (30 on FIG. 27).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use other information processing devices as a voice mail system of Bergeron in the invention of Barker and Suzuki.

Doing so would deliver dedicated messages having priorities.

Regarding **claim 35**, Barker discloses a method of operating a voice data system, comprising the steps of:

generating a voice data file in a portable digital audio recorder, said file including voice data and header data (column 3, lines 25-30) [The files are being generated at the recorder];

transferring said voice data file from said recorder to a personal computer (column 3, lines 16-19) [The files are downloaded to the computer].

Barker fails to disclose reading the header data in said transferred voice data file.

Bergeron teaches reading the header data in said transferred voice data file (column 5, lines 34-37) [The message controller reads the file headers]; and

on the basis of said header data that has been read, selecting a central dictation system (column 6, lines 24-35) [The recipient receives his message according to recipient ID]; and

transferring said voice data from said personal computer to said central dictation system (column 6, lines 55-59) [The message controller delivers the message according to recipient ID].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use reading the header data in said transferred voice data file of Bergeron in the invention of Barker.

Doing so would determine data associated with each recipient.

Regarding **claim 37**, Barker discloses a method of operating a voice data management system, comprising the steps of:

- dictating voice information into a portable audio recorder (FIG. 1);
- storing the voice information in the portable audio recorder in the form of digital voice data (column 2, lines 41-44) [The files are stored with the recipient information];
- dictating recipient information into the portable audio recorder (column 2, 46-50) [The user dictates the information];
- transferring said digital voice data from said recorder to a personal computer (column 3, lines 16-19) [The user download the information to the computer];
- applying a speech recognition algorithm to said recipient information to generate recipient data (column 3, lines 36-41) [The recipient data is generating from the files].

Barker fails to disclose a plurality of data processing devices.

Bergeron teaches a method for selecting a data processing device from among a plurality of data processing devices connected to said personal computer, on the basis of said recipient data (column 5, lines 27-33) [The transcribe station will receive the information]; and

transferring said digital voice data from said personal computer to said selected data processing device (column 6, lines 24-35) [The message controller will transmit the voice data].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of data processing devices of Bergeron in Barker.

Doing so would transmit data to the device.

Regarding **claim 38**, Barker and Bergeron as applied to **claim 37** above differ from **claim 38**.

In addition, Barker teaches a method, comprising the step of transferring said dictated recipient information from the recorder to said personal computer in the form of digital voice data (column 3, lines 16-19);

wherein said speech recognition algorithm is applied to said transferred recipient information by said personal computer to generate said recipient data (column 3, lines 36-41).

Regarding **claim 39**, Barker and Bergeron as applied to **claim 37** above differ from **claim 39**.

In addition, Barker disclose a method, comprising the step of transferring said recipient data from said recorder to said personal computer (column 3, lines 16-19);

wherein said speech recognition algorithm is applied to said dictated recipient information by said portable audio recorder to generate said recipient data (column 3, lines 36-41).

Regarding **claim 40**, Barker discloses a voice data management system, comprising:

a portable digital audio recorder (FIG. 1) which includes a microphone for inputting voice information, memory means for storing said voice information in the form of digital voice data (column 2, lines 41-44) [The voice information is stored in the memory], and means for designating a portion of said digital voice data as recipient information (column 3, lines 42-47) [The recipient information is the file];

a personal computer (34 on FIG. 3);

means for transferring digital voice data from said recorder to said personal computer (32 on FIG. 3) [The cable will transfer the data].

Barker fails to disclose a plurality of data processing devices.

Bergeron teaches a plurality of data processing devices (10-1, 20-1 and 32-1 on FIG. 1) [The dictations and the voice-mail boxes are the devices];

means interconnecting said personal computer to said data processing devices for transmission of data from said personal computer to said data processing devices (TELEPHONE LINE on FIG. 3) [The telephone line is connecting the devices; and

means for generating recipient data by applying a speech recognition algorithm to digital voice data designated as recipient information by said means for (column 5, lines 27-34) [The transcribe station received the designated information];

said personal computer selecting one of said data processing devices separate from said portable recorder and said personal computer on the basis of said recipient data generated by said means for generating (column 5, lines 34-37) [The message

controller distribute the message], and said personal computer transferring to said selected data processing device digital voice data transferred from said recorder to said personal computer (column 5, lines 37-41) [The message is distributed depended on the type].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of data processing devices of Bergeron in Barker.

Doing so would transmit data to the device.

Regarding **claim 42**, Barker and Bergeron as applied to **claim 37** above differ from **claim 39**.

In addition, Barker teaches a method wherein said means for generating recipient data is included in said portable digital audio recorder (FIG. 1).

6. **Claims 22- 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Bergeron and in further view of Suzuki.

Regarding **claim 22**, Barker and Bergeron as applied to **claim 21** above differ from **claim 22** in that it fails to disclose data, which identifies an author of the data file.

However, Suzuki teaches a method wherein said header data read by said personal computer includes data which identifies an author of the voice data file corresponding to said header data ("NAME OF INPUT PERSON" on FIG. 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a data, which identifies an author of the data file of Suzuki in the invention of Barker and Bergeron.

Doing so would transmit data to describe the author.

Regarding **claim 23**, Barker and Bergeron as applied to **claim 21** above differ from **claim 23** in that it fails to disclose data, identifying a portable digital audio recorder.

However, Suzuki teaches a method wherein said header data read by said personal computer includes data which identifies said portable digital audio recorder ("CORRESPONDING ITEM ADDRESS" on FIG.8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a data, which identifies a portable digital audio recorder of Suzuki in the invention of Barker and Bergeron.

Doing so would transmit data to describe the item address.

Regarding **claim 24**, Barker and Bergeron as applied to **claim 21** above differ from **claim 24** in that it fails to disclose data, identifying an intended recipient.

However, Suzuki teaches a method wherein said header data read by said personal computer includes data which identifies an intended recipient for the voice data file corresponding to said header data ("DATA PORTION" on FIG. 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a data, which identifies an intended recipient of Suzuki in the invention of Barker and Bergeron.

Doing so would transmit data to the appropriate recipient.

Regarding **claim 25**, Barker and Bergeron as applied to **claim 21** above differ from **claim 25** in that it fails to disclose data, identifying a subject matter.

However, Suzuki teaches a method wherein said header data read by said personal computer includes data which identifies a subject matter of the voice data file corresponding to said header data ("CLASSIFICATION OF DATA" on FIG. 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a data, which identifies a subject matter of Suzuki in the invention of Barker and Bergeron.

Doing so would transmit data with specifications.

7. **Claims 26 and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Bergeron and in further view of Salazar.

Regarding **claims 26 and 41**, Barker and Bergeron as applied to **claims 21 and 40** above differ from **claims 26 and 41** in that it fails to disclose information processing device as another personal computer.

However, Salazar discloses a voice data management system, wherein said one of said plurality of information processing devices selected by said personal computer is another personal computer (40 on FIG.2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use information processing device as another personal computer of Suzuki in the invention of Barker and Bergeron.

Doing so would transmit voice data to a computer.

8. **Claim 43** is rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Bergeron and in further view of Raji et al. (U.S. 5,812,882)

Barker and Bergeron as applied to **claim 40** above differ from **claim 43** in that it fails to disclose a local area network.

However, Raji teaches wherein said means for transmission of data from said personal computer to said data processing devices includes a local area network (column 33, lines 18-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a local area network of Raji in the invention of Barker and Bergeron.

Doing so would transmit voice data to the Ethernet.

Response to Arguments

9. Applicant's arguments with respect to **claims 1, 8-11, 10-20, 21-29 and 35- 43** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tamir et al. is cited for a voice message recorder for use with telephones (FIG.


1).

Onozawa et al is cited for a voice recording method for mobile communication apparatus (FIG. 5).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
March 22, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

